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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 514162000120

First Inventor

Che-Kun James SHEN

Title

HS-40 ENHANCER-CONTAINING VECTOR IN TRANSGENIC ANIMALS

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CERTIFICATE OF MAILING BY "EXPRESS MAIL"

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Date of Deposit: November 9, 2001

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EL903973950US

CHASE J. TROMBELLA

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

1. ☒ **Fee Transmittal Form (e.g. PTO/SB/17) - 1 pg IN DUPL**
(Submit an original, and a duplicate for fee processing)
2. ☒ **Applicant claims small entity status.**
See 37 CFR 1.27.

3. ☒ **Specification - Copy from prior application**
[Total Pages **30**]

(preferred arrangement set forth below)

- Descriptive title of the Invention
- Cross Reference to Related Applications
- Statement Regarding Fed sponsored R & D
- Reference to sequence listing, a table, or a computer program listing appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claim(s)
- Abstract of the Disclosure

4. ☒ **Drawing(s) (35 USC 113)** [Total Sheets **2**]

5. **Oath or Declaration** [Total Pages **2**]

- a. ☒ **Newly executed (original or copy)**
- b. ☐ **Copy from a prior application (37 CFR 1.63(d))**
(for continuation/divisional with Box 18 completed)
- i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b)

6. ☒ **Application Data Sheet. See 37 CFR 1.76 - 2 pgs**

7. ☐ **CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)**
8. **Nucleotide and/or Amino Acid Sequence Submission**
(if applicable, all necessary)

- a. ☒ **Computer Readable Form (CRF)**
- b. **Specification Sequence Listing on:**
- i. ☐ **CD-ROM or CD-R (2 copies); or**
- ii. ☒ **paper - 4 pgs**
- c. ☒ **Statements verifying identity of above copies - 2 pgs**

ACCOMPANYING APPLICATION PARTS

9. ☒ **Assignment Papers (cover sheet & document(s)) - 2 pgs**
10. ☐ **37 CFR 3.73(b) Statement (where there is an assignee)** ☐ **Power of Attorney**
11. ☐ **English Translation document (if applicable)**
12. ☒ **Information Disclosure Statement (IDS) - 3 pgs** ☒ **[24] CITED REFERENCES & [1] REFERENCE ATTACHED**
13. ☒ **PTO-1449 - 3 pgs w/[24] CITED REFS [1] REF ATTACHED**
14. ☒ **Return Receipt Postcard (MPEP 503)**
Should be specifically itemized
15. ☐ **Certified Copy of Priority Document(s)**
(if foreign priority is claimed)
16. ☐ **Request and Certification under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.**
17. ☒ **Other FEE DETERMINATION RECORD - 1 pg**

18. If a **CONTINUING APPLICATION**, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

- ☐ Continuation ☐ Divisional ☒ **Continuation-in-part (CIP) of prior application No: 09/961,563 filed September 20, 2001, which is a CONTINUATION of 09/536,094 filed March 24, 2000; which is a DIVISIONAL application of 09/205,015 filed December 4, 1998 (Abandoned)**

Prior application information:

Examiner To Be Assigned

Group / Art Unit: To Be Assigned

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. This incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Labelor ☐ Correspondence address below

20872

PATENT TRADEMARK OFFICE

(Insert Customer No. or Attach bar code label here)

Name	Michael R. Ward, Ph.D. MORRISON & FOERSTER LLP				
Address	425 Market Street				
City	San Francisco	State	CA	Zip Code	94105-2842
Country	U.S.A.	Telephone	415/268-6237	Fax	415/268-7522
Name (Print/Type)	MICHAEL R. WARD		Registration No. (Attorney/Agent)		38,651
Signature	Michael R. Ward		Date		November 9, 2001

11/09/01
11064 U.S. PTO

PTO/SB/17 (09-00)

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL FOR FY 2001

Patent fees are subject to annual revision.

Complete if Known

Application Number	To Be Assigned
Filing Date	Herewith
First Named Inventor	Che-Kun James SHEN
Examiner Name	To Be Assigned
Group Art Unit	To Be Assigned
Attorney Docket No.	514162000120

TOTAL AMOUNT OF PAYMENT

(\$410.00)

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number: 03-1952
Deposit Account Name: Morrison & Foerster LLP

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
☒ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit Card ☐ Money Order ☒ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	370
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$ 370.00)

2. EXTRA CLAIM FEES

Total Claims		Extra Claims		Fee from below	Fee Paid
20	-20** =	-0-	x	9	= \$-0-
Independent Claims	2	-3** =	x	42	= \$-0-
Multiple Dependent					= \$-0-

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claims, if not paid
109	84	209	42	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ -0-)

** or number previously paid, if greater; For reissues, see above.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions of the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per properties (times number of properties)	40.00
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 40.00)

SUBMITTED BY

Name (Print/Type)	Michael R. Ward	Registration No. (Attorney/Agent)	38,651	Telephone	415/268-6237
Signature	Michael R. Ward	Date	November 9, 2001		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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CHASE J. TROMBELLA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Che-Kun James SHEN

Serial No.: To Be Assigned

Filing Date: Herewith

For: HS-40 ENHANCER-CONTAINING
VECTOR IN TRANSGENIC ANIMALS

Examiner: To Be Assigned

Group Art Unit: To Be Assigned

STATEMENT TO SUPPORT FILING AND SUBMISSION
IN ACCORDANCE WITH 37 C.F.R. §§ 1.821-1.825

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

The undersigned hereby states that the content of the attached papers and the computer readable copy of the Sequence Listing, submitted in accordance with 37 C.F.R. § 1.821(c) and (e), respectively, are the same.

In the unlikely event that the Patent Office determines that an extension and/or other relief is required as a result of this statement, applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due to our Deposit account no. 03-1952. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: November 9, 2001

By: Michael R. Ward
Michael R. Ward
Registration No. 38,651

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